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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,992	07/05/2006	Gerhard Duernberger	TURKP0133US	4254

23908 7590 10/30/2008
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EXAMINER

FIGUEROA, ADRIANA

ART UNIT	PAPER NUMBER
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3633

MAIL DATE	DELIVERY MODE
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10/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,992	Applicant(s) DUERNBERGER, GERHARD	
	Examiner Adriana Figueroa	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/05/2006, 12/12/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claim 8 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only--, and/or, -cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Martensson (US 6,647,690).

Regarding claim 1, Martensson teaches connecting means (a, b, c, d), made in such a way that they can be connected with each other in a positive fit in two directions (x, y) that are perpendicular relative to each other, (annotated Fig 1).

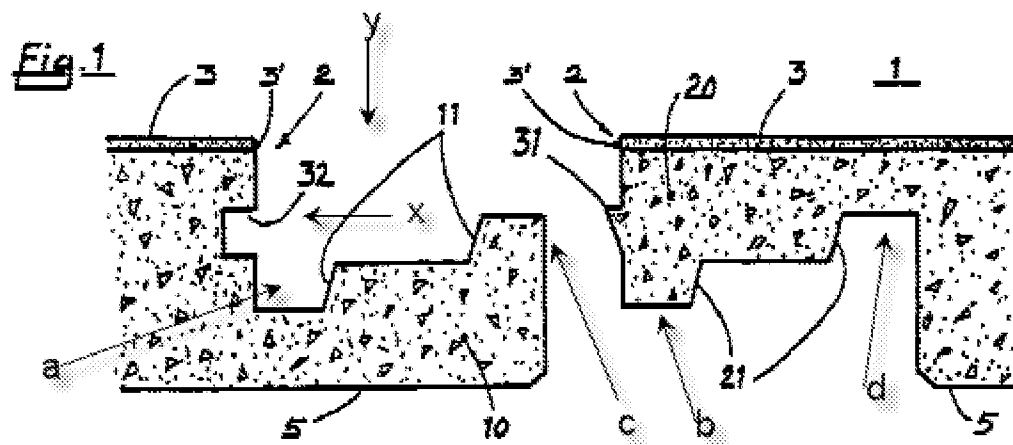
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Regarding claim 2, Martensson teaches the connecting means (a, b, c, d) characterized in that the one connecting means (a, c) has the same or at least substantially the same geometry as the other connecting means (b, d), (annotated Fig 1).

Regarding claim 3, Martensson teaches the connecting means (a, b, c, d) are made so that they can be connected by lowering the one connecting means (b, d) relative to the other connecting means (a, c) and then pushing the connecting means towards each other in a direction (x) perpendicular relative to the lowering motion, (annotated Fig 1).

Regarding claim 5, Martensson teaches the connecting means comprising step-shaped or stair-shaped locking means (b, c), (annotated Fig 1).

Regarding claim 7, Martensson teaches panels (3) with connecting means (a, b, c, d) provided laterally, which are formed in particular as laminate flooring panels comprising a base board and a decorative layer, (Fig 1), (Col 3, Lines 7-10).



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martensson (US 6,647,690) in view of Pervan (US 2003/0024199).

Regarding claim 4, Martensson discloses wherein two connecting means (a, b) are first coupled with each other, but does not disclose the connecting means being interlocked by inserting a separate locking means, wherein the separate locking means preferably is a securing pin having in particular a cross-section that is substantially rectangular. However, Pervan teaches connecting means (8, 12) being interlocked by inserting a separate locking means (52), wherein the separate locking means (52) preferably is considered to be a securing pin capable of having a cross-section that is substantially rectangular, (Fig 14c), (Par 179). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the connecting means of Martensson to include separate locking means as taught by Pervan in order to counteracting changes in the properties of the floor panels caused by moisture.

Regarding claim 6, Martensson modified by Pervan discloses as discussed in claim 4. Pervan further discloses connecting means having a separate locking means (52) which can be pushed into a channel formed by the connecting means (8, 12),

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wherein at least one external dimension of the connecting means is greater than the corresponding internal dimension of the channel, so that the separate locking means can be held in the channel by press fit and the separate locking means consist of a compressible material such as plastics. (Fig 14c), (Par 71, 76).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hanning (US 2004/0211143), Pervan (US 2003/0196405), Howell (US 4,037,377), Palsson (US 7,121,058).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adriana Figueroa whose telephone number is 571-272-8281. The examiner can normally be reached on Monday-Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635

/A. F./
Examiner, Art Unit 3633
10/24/2008